

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PERL FELBERBAUM,

Petitioner,

ORDER TO SHOW CAUSE

– against –

YAAKOV FELBERBAUM,

Respondent,

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Upon the Petition of PERL FELBERBAUM, dated March 1, 2023, it is:

ORDERED that Respondent, YAAKOV FELBERBAUM, shall appear and show cause before the undersigned at the United States District Court, Southern District of New York, 500 Pearl St, New York, NY 10007, on April __. 2024, at ____ A.M/P.M., why the court should not grant orders and judgment:

- a) Pursuant to the International Child Abduction Remedies Act (ICARA), 22 U.S.C. §§ 9001-9011, and the Hague Convention on the Civil Aspects of Child Abduction, Oct. 25, 1980, TIAS 11,670, 1343 UNTS 98, directing that the parties' minor children, Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015, be repatriated to Israel, on the grounds that (i) Respondent has wrongfully retained Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015, in the United States in violation of Petitioner's rights of custody, and (ii) the Israel is Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's state of habitual residence;

- b) Pursuant to ICARA, 22 U.S.C. § 9004, granting any and all appropriate provisional remedies, including surrender of Respondent's and Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's passports, pending determination of this action;
- c) Pursuant to Hague Convention art. 2, ICARA, 22 U.S.C. § 9003, and Fed. R. Civ. P. 40, formally according priority to the present action; and
- d) Pursuant to ICARA, 22 U.S.C. § 9007(b), awarding Petitioner the costs, counsel fees, and expenses incurred in the prosecution of this action;
- e) Grant Judgment in favor of Petitioner directing that Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015 be returned forthwith to Petitioner's care and custody in Israel, pursuant to Article 12 of the Convention; and
- f) Issue an immediate Order prohibiting Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's removal from the jurisdiction of this court, pending the court's hearing and determination on this Petition, which Order shall temporarily restrain Respondent, and any person acting in concert with or participating with Respondent, from taking any action to remove Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015 from the jurisdiction of this court pending a hearing and determination on this Petition; and
- g) Issue an Order directing that Respondent surrender into the custody of this court Respondent's and Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's travel documents (including passports and visas), pending a determination of this Petition pursuant to 42 U.S.C.A. § 11604; and

- h) Direct that the name of the child shall be entered into the National Crime Information Center (NCIC) computer database in the missing persons section; and
- i) Issue an Order directing Respondent to advise Petitioner's counsel and this court in writing of Respondent's and Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's current address, current telephone number and other contact information to facilitate Petitioner's access to Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015, and that, pending a hearing and determination on the merits of the Petition, Respondent shall notify Petitioner's counsel and this court immediately of any change or contemplated change in such contact information; and
- j) Issue an Order directing Respondent shall allow Petitioner access to Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015 for telephonic and personal visitation; and
- k) Direct respondent to appear at this court with Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015 at an expedited hearing to show cause why Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015 should not be returned to Petitioner's care and custody forthwith pursuant to the Hague Convention, ICARA and the New York's UCCJEA; and
- l) Issue an Order staying any proceedings in any Court in the State of New York or any other state or territory of the United States concerning the custody of Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015, as required by Article 16 of the Convention; and

m) Grant such other and further relief as this court may deem just and proper, including but not limited to reimbursement of Petitioner's costs in this action, as well as Petitioner's attorneys' fees, pursuant to 42 U.S.C.A. § 11607(b)(3).

and it is further

ORDERED that, pursuant to ICARA, 22 U.S.C. § 9004, Respondent shall produce Respondent's and Blima Felberbaum, Date of Birth May 1, 2014 and Moshe Felberbaum, Date of Birth September 11, 2015's passports in court on the return date of this Order to Show Cause; and it is further

ORDERED that Respondent's answer and/or other responsive papers shall be served via the Electronic Case Filing (ECF) system on Petitioner's attorneys:

Law Office of Menachem White, PLLC

Menachem White, Esq. Partner

4 Brower Avenue, Suite 3

Woodmere, New York 11598

Mwhite@wwlgny.com

(516) 504-4101;

and it is further

ORDERED that, as mandated by ICARA, 22 U.S.C. § 9003(c), the initial process in this action shall be the present Order to Show Cause, in accordance with applicable state law governing process in interstate child custody proceedings, i.e., N.Y. Family Court Act § 651(b); and it is further;

ORDERED that, as mandated by ICARA, 22 U.S.C. § 9003(c), a copy of the present Order to Show Cause, the Petition in this action, and all other documents required to be served pursuant to EDNY ECF Rules & Instructions § 14 shall be served on Respondent, YAAKOV

FELBERBAUM, in accordance with applicable state law governing notice in interstate child custody proceedings, i.e., pursuant to any of the methods specified in N.Y. Domestic Relations Law § 75-g(1)(a), (b) or (d), on or before March __, 2024 via electronic mail.

Dated: Brooklyn, New York

March __, 2024

United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No.:

PERL FELBERBAUM,

Petitioner,

– against –

YAAKOV FELBERBAUM,

Respondent,

ORDER TO SHOW CAUSE

Law Office of Menachem White, PLLC
By Menachem White, Esq.
Attorney(s) for Petitioner
4 Brower Avenue, Suite 3
Woodmere, New York 11598
(516) 504-4101

To: Signature (Rule 130-1.1-a)

Menachem White

MENACHEM WHITE, ESQ.

Attorney(s) For Plaintiff

Service of a copy of the within is hereby admitted.
Dated:

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

That the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

Dated:

Yours, etc.